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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/691,575	10/24/2003	Katsuya Sakaguchi	Q78019	6941
23373	7590	08/18/2005	EXAMINER	
SUGHRUE MION, PLLC 2100 PENNSYLVANIA AVENUE, N.W. SUITE 800 WASHINGTON, DC 20037			KIM, WESLEY LEO	
			ART UNIT	PAPER NUMBER
			2683	

DATE MAILED: 08/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/691,575	Applicant(s) SAKAGUCHI, KATSUYA	
	Examiner Wesley L. Kim	Art Unit 2683	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 July 2005.
2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-10 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 24 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Specification

The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed. The examiner suggests replacing the current title, "Portable Terminal Device", with a more descriptive title such as "Portable Terminal Device with a Light Emitting Section in a Case".

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1. Claims 1-4 and 8-10 are rejected under 35 U.S.C. 102(e) as being anticipated by Kimiaki (Japanese Pub. 2002252687).

Regarding Claim 1, Kimiaki teaches a portable terminal device including a light emitting section (Drawing.4;4, LED) in a case thereof, comprising: a space section formed in the case (Drawing.4; space section between light emitting section and transparent window); and a window section formed in a surface of the case (Drawing.4;2 and 5, make up the window), through which light emitted from the light emitting section is transmitted (Drawing.4;dashed lines represent light being transmitted), wherein the light emitting section has a light emitting

surface directed in a direction along a surface of a wiring board located in the case (Drawing.4;3 and Description of prior art (circuit board 3)).

Regarding Claim 2, Kimiaki teaches all the limitations as recited in claim 1, and Kimiaki further teaches the light emitting section is attached to the wiring board (Drawing.4; wiring board(3) and light emitting section(4) are connected).

Regarding Claim 3, Kimiaki teaches all the limitations as recited in claim 1, and Kimiaki further teaches the space section is a flat space (Drawing.13; the space between light emitting section(4) and transparent window(2) is enclosed by two parallel walls, i.e. flat).

Regarding Claim 4, Kimiaki teaches all the limitations as recited in claim 1, and Kimiaki further teaches the light emitting section is disposed in the space section (Drawing.13; light emitting section(4) is in the space section).

Regarding Claim 8, Kimiaki teaches all the limitations as recited in claim 1, and Kimiaki further teaches the window section is translucent (Abstract; 6-9 and Drawing.4;2 and 5, 5 is translucent and 2 is transparent so the window is translucent).

Regarding Claim 9, Kimiaki teaches all the limitations as recited in claim 1, and Kimiaki further teaches the window section is creamy white (Abstract;6-9 and Drawing.4;2 and 5, milky-white is creamy white).

Regarding Claim 10, Kimiaki teaches all the limitations as recited in claim 1, and Kimiaki further teaches the light emitting section emits light when a call

arrives at the portable terminal device (Description of Prior Art; line 23, LED is lit at the time of charge and arrival, where arrival is a call arrival).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claim 5 rejected under 35 U.S.C. 103(a) as being unpatentable over Kimiaki

(Japanese Pub. 2002252687) in view of Sandelius (U.S. Patent 6850776B1).

Regarding Claim 5, Kimiaki teaches all the limitations as recited in claim 1, however Kimiaki is **silent on** the light emitting section emits at least any one of red, green, and blue light beams.

Sandelius teaches the light emitting section is capable of emitting red, green, or blue light beams (Col.1:42-44, red and green lights and Col.4:28-30, blue light).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Kimiaki, such that the light emitting section emits at least any one of red, green, and blue light beams, to provide a method of alerting the user of different conditions of the mobile phone represented by different colors (i.e. incoming call, low battery, or missed call).

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3. Claim 6 rejected under 35 U.S.C. 103(a) as being unpatentable over Kimiaki (Japanese Pub. 2002252687) in view of Ariga et al (U.S. Patent 5486816).

Regarding Claim 6, Kimiaki teaches all the limitations as recited in claim 1, however Kimiaki **is silent on** the light emitting section is a light emitting diode of side emitting type.

Ariga teaches an LED is a side emitting type (Col.6;17).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Kimiaki, such that the light emitting section is a light emitting diode of side emitting type, to provide a mobile device which would have a window displaying the light raised off of the surface of the phone.

4. Claim 7 rejected under 35 U.S.C. 103(a) as being unpatentable over Kimiaki (Japanese Pub. 2002252687) in view of Shang (U.S. Patent 3727115).

Regarding Claim 7, Kimiaki teaches all the limitations as recited in claim 1, however Kimiaki **is silent on** the light emitting section is a light emitting diode of surface emitting type.

Shang teaches an LED is a surface emitting type (Col.3;25-37).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Kimiaki, such that the light emitting section is a light emitting diode of surface emitting type, to provide a mobile device which would have a window displaying the light flat against the surface of the phone.

Conclusion


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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Wesley L. Kim whose telephone number is 571-272-7867. The examiner can normally be reached on Monday-Friday 9:00am-5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Trost can be reached on 571-272-7872. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

WLK


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